

**Fraser Valley Treaty Advisory Committee
First Nations Media Monitor - Excerpts
July 28, 2008**

*Summary of news events reported on First Nations, Aboriginal communities, and rights & title issues.
This report can also be found on the FVTAC website at the following link:*

<http://www.fvrd.com/About%20the%20FVRD/FraserValleyTreatyAdvisoryCommittee/Pages/Reports.aspx>

AROUND THE PROVINCE

First Nations Self-Taxation Beneficial

The Institute on Governance has released a report, *In Praise of Taxes: The Link Between Taxation and Good Governance in a First Nations Context*, that says First Nations establishing their own tax regimes would provide them with additional revenues for enhanced services as well as make their governments more accountable to their citizens. Taxation provides a relatively stable source of revenue and would enhance the performance of First Nations governments by allowing for long-term government planning, the report says. The Westbank First Nation (WFN), which is one of the few B.C. First Nations that directly tax their members, was cited as an example of the independence obtained from a self-imposed taxation system. The report noted that the revenues collected by WFN allowed them to negotiate for self-government during a period when federal government funding for that purpose had been frozen. For most First Nations, more than 90 per cent of their revenues come from federal transfers, which has resulted in poor service delivery, skewed accountability, and questionable governance practices in some cases. However, the report notes that introducing new taxes to First Nation communities would be a “tough sell” as many fear it would mean a reduction in financial support from the federal government and threaten their federal and provincial tax exemption status.

(Vancouver Sun, July 19)

WFN Non-Member Council Approaches Second Term

The nomination period for the second term of the Westbank First Nation (WFN) Advisory Council was July 7 to July 11 and the election is slated for August 30. The council represents the 8,000 non-Aboriginals living on the five WFN reserve lands. One councillor is elected from each district and all residents were encouraged to put their names forward. The advisory council meets regularly to discuss matters that directly impact the non-Aboriginal residents and provides input to WFN chief and council on the budgeting process, tax rates, spending of property tax funds and band laws that affect non-members.

(Kelowna Capital News, July 9)

ACROSS THE NATION

Provincial Leaders Renew Kelowna Accord Support

Following a recent gathering in Quebec City, Canada’s premiers and territorial leaders have renewed their support for the Kelowna Accord and called for a meeting with Prime Minister Stephen Harper. Former Prime Minister Paul Martin said that abandoning the \$5-billion accord, which was reached before the Conservatives took power, would be like saying Aboriginal Canadians are not entitled to the same quality of education, health care and social services as others. The basic principles of the Kelowna Accord should be an “inevitable part” of whatever solution the federal government chooses to help Aboriginals, said Martin.

(Canadian Press, July 20)

FOREST

First Nations Forest Initiatives Taken to China

Members of the B.C. First Nations Forestry Council are in China to promote First Nations forest initiatives and take advantage of the growing demand for wood products in China. Council members plan to meet with some of China's biggest companies in the wood products and mining sectors in Beijing, Qingdao, Nanjing, Shanghai and Taiching.

(Prince George Citizen, July 10)

TFL Transfer Anti-Competitive Claims Tribal Council

The Shuswap Nation Tribal Council (SNTC) claims the proposed transfer of Weyerhaeuser's Jamieson Creek Tree Farm Licence (TFL) 35 to West Fraser Timber and Interfor is being done without consultation with local First Nations and therefore violates a 2002 B.C. Supreme Court decision. Mike LeBourdais, co-chairman of SNTC and Chief of the Whispering Pines/Clinton Indian Band, said the transfer would be anti-competitive and restrict new First Nations participation in the local forest industry. The SNTC chiefs are discussing their options and met with representatives from the Competition Bureau of Canada, who advised them to proceed with a complaint to the bureau commissioner. The bureau noted that the anti-competitive argument is generally considered the only grounds to deny a TFL transfer, and therefore this would be SNTC's strongest suit.

(Kamloops Daily News, July 5)

FISHERIES

More Stakeholder Communication Needed

A salmon fishery management report on the Skeena watershed by the Skeena Independent Science Review Panel puts forth 23 recommendations, including more communication and collaborative involvement between First Nations, the Department of Fisheries and Oceans (DFO), the Ministry of Environment (MoE), and commercial and recreational fisheries. The panel, managed by the Pacific Salmon Foundation, also noted their support of catch monitoring procedures for all marine and freshwater First Nations, commercial, and recreational fisheries. First Nations throughout the watershed met with DFO, MoE and stakeholders last February and a planning committee for the Skeena Watershed Initiative was agreed upon that would include a long-term plan for sustainability similar to the one in the report.

(Terrace Standard, June 18)

First Nations Renew Call for Closed Container Fish Farms

A recent escapement of 30,000 farm-raised Atlantic Salmon from one of Marine Harvest Canada's fish farms north of Campbell River has renewed efforts from First Nations groups, NDP, and environmentalists to call for an industry move to closed containers for marine species not native to Pacific coast waters. So far only a few hundred fish have been recaptured, but Clare Backman, spokesman for Marine Harvest, said the fish pose no threat to wild salmon because they are disease free and "can't mate with them." Backman said the company has been at the site for 10 years without incident and blamed the recent escape on extreme tide variations and said they are reviewing the circumstance to learn from any mistakes. However, Homalco First Nation Chief Darren Blaney said good intentions would not put an end to the accidental release of Atlantic Salmon and the only solution to protect native stocks is closed containers. The Musgamagw-Tsawataineuk Tribal Council (MTTC) said they are disappointed with Marine Harvest's Coordinated Area Management Plan for the Broughton Archipelago. MTTC said the plan's Fallow Route to safeguard wild salmon is unacceptable and will "only be a slower death to wild salmon." Permanent fallow measures and the expansion of fish farm free areas are necessary to ensure the long-term safety of the National Salmon Rivers of the MTTC members. *(Times Colonist, July 3, Kahtou, July 2008)*

LOCAL GOVERNMENT

Ktunaxa and District Plan for Lake Land Use

The Regional District of East Kootenay (RDEK), the Ktunaxa Nation and the province, signed an Engagement Protocol Agreement, designed to establish a good working relationship prior to starting a joint planning process for the Lake Kootenay area. The planning process began two years ago but was put on hold when the Ktunaxa treaty negotiations reached the land selection phase. There is very little Crown land available in the area, however, there is some located within the traditional territory surrounding the lake. Chief Sophie Pierre said the Nation is not only concerned about their own interests, but also want to make sure the area is developed in an environmentally and economically sustainable manner for all people in the region. RDEK is responsible for the land use planning on private lands but Planning and Development Services Manager Andrew McLeod said it would have been pointless to deal just with private land and working with Ktunaxa and the province is the only way to move forward.

(Kootenay News Advertiser, July 16)

Mayor Investigates First Nation Voting Power

Delta Mayor and Metro Vancouver board chair Lois Jackson claims that local First Nations could end up with more district voting power than is justified by their population. Jackson wants to further investigate the issue before the Tsawwassen First Nation (TFN) joins the regional district as a voting member next year. Member communities receive one vote per 20,000 residents, which means the TFN community of 350 band members will receive the same voting power as a town of up to 20,000 residents. Jackson is concerned that as more local bands become self-governing there will be “too large an advantage” for Aboriginal governments and suggests one solution would be to assign votes in smaller increments. TFN Chief Kim Baird said the same could also be said for small non-First Nation villages in the region and that Metro is free to make such adjustments but predicts it won’t be necessary.

(Surrey Leader, July 9)

Times Colonist, July 8 – Leonard Stern wrote, in part:

“The Supreme Court of Canada understands that Aboriginal people have suffered hardship. But the court’s good intentions expressed in a troubling decision last week, take the country to a place we don’t want to go, one where it’s acceptable to confer and withhold rights according to race.

The case involved a dispute between two groups of commercial fishers in British Columbia, one Aboriginal and the other not.

Traditionally there are two arguments invoked to justify racial preferences in allocating resources and opportunities: First, that such preferences are necessary to compensate for past wrongs and to give disadvantaged groups a leg up; and second that they are necessary to ensure diversity of perspectives and ideas.

The court declared that the system for allocating fishing rights is legal, but what’s disconcerting is that the court relied on the first argument.

Yes, Aboriginals as a group have suffered persecution and, yes, Aboriginals have been disadvantaged as a result.

But if the government is going to redress this past wrong, it needs to be certain that any individual being compensated has personally been injured and any individual at whose expense the compensation is being made is responsible for, or benefited from, the injury.

But to quote [philosopher Carl] Cohen...when governments allow reverse discrimination, ‘society does not pay; the ‘white majority’ does not pay; individual citizens pay.’

In the B.C. case, non-Aboriginal fishers pay.

Shamefully, the Supreme Court refused even to explore whether discrimination against the non-Aboriginal fishers occurred.

The court was interested only in whether the Aboriginal fishing program had as its ‘object the amelioration of conditions of disadvantaged individuals or groups.’

Ethnocultural leaders might be tempted to celebrate last week’s ruling, but they shouldn’t.

When governments engage in racial preferences they are actually practicing racial profiling, by meting out differential treatment to individuals based on generalizations about the racial groups to which they belong.”

Vancouver Sun, July 16 – Chief Ken Brown (Klahoose First Nation), Chief Walter Paul (Sliammon First Nation) and Chief Darren Blaney (Homalco First Nation) wrote, in part:

“Over the past few months the NDP Opposition, union leaders and organizations formed and backed by these political groups have implemented a campaign of public meetings and media misinformation on run-of-river power projects.

Seemingly lost in this disturbingly paternalistic and blatantly ideological campaign against run-of-river green energy projects are the interests of First Nations communities partnering with independent power producers.

Despite what the anti-IPP movement would have you believe, First Nations are the front line environmental and economic stewards of our territories. We participate in the environmental assessment process and often augment it with our own traditional use studies and archaeological studies. To suggest these studies are not done is blatantly untrue and is disrespectful. In many cases, these IPP projects are directly helping to re-build a sustainable economic base to replace what has been lost.

In our view there is a very welcome place for private sector partnerships, direct First Nation equity ownership and better agreements with BC Hydro for our nations involved in the power production business.

Despite its relatively short history, we believe strongly the IPP sector is resulting in more jobs, steady revenue streams, and capacity building for our nations.

The anti-IPP movement would be wise to tone down the rhetoric, get their facts straight and work positively with us to build a better industry.”